

# WILTSHIRE COUNCIL

## SOUTHERN AREA LICENSING SUB COMMITTEE

4 January 2018

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### Application for a Premises Licence; Mauls Wine & Cheese Bar, 3 Fish Row, Salisbury, Wiltshire, SP1 1EX

#### 1. Purpose of Report

To determine an application for a Premises Licence in respect of licensable activities at Mauls Wine & Cheese Bar, 3 Fish Row, Salisbury, Wiltshire, SP1 1EX

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Mauls Wine & Cheese Bar, 3 Fish Row, Salisbury, Wiltshire, SP1 1EX has been made by mauls Wine & Cheese Bar Ltd.
- 2.2 During the consultation period 1 letter of objection was received. As set out below, the objection was accepted as being a relevant representation under prevention of Public Nuisance.
- 2.3 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy
- 2.4 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
  - ii) Public Safety;
  - iii) The Prevention of Public Nuisance; and
  - iv) The Protection of Children from Harm.
- 2.5 Such steps are:
- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
  - ii) To exclude from the scope of the application any licensable activity.

- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

2.6 On 1st November 2017 an application for a Premises Licence was received and accepted as a valid application..

2.7 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music	1100 -2300	Tue - Sun
Recorded music	1100 -2300	Tue - Sun
Sale by retail of alcohol (On the Premises)	1100 -2300	Tue - Sun

2.8 The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015. The 2014 Order has deregulated regulated entertainment in certain situations. This is relevant to this application as the regulated entertainment that has been applied for, depending on the circumstances in which it is held, may not be licensable. Further details on the 2014 Order are attached as **Appendix 1**.

2.9 A copy of the application from Mauls Wine and Cheese Bar is attached as **Appendix 2**.

2.10 A copy of plans of the Licensable area for Mauls Wine and Cheese bar are attached as **Appendix 3**.

2.10 The other premises which are licensed within the vicinity of the application address are detailed as follows:

Premises	Licensed Hours for of Alcohol On Sales and/or Late Night Refreshment	Days
Chikoland, 10 New Canal	23.00 – 03.00 23:00 – 04:00	Sunday - Tuesday Wednesday - Saturday
Nando's 1-5 Milford Street	11:00 – 00:00	Sunday - Saturday
Reeve The Baker, 2 Butcher Row	07.00 – 22.00	Monday – Sunday
York Roast HogRoast Co. 4 Butcher Row	23.00 – 02.00	Friday & Saturday

2.11 A location plan of the premises is attached as **Appendix 4** compared to other Premises mentioned above to this report.

### 3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period no relevant representations were received from Responsible Authorities. 1 relevant representation objecting to the application have been received from local residents.

3.3 During the consultation period the applicant made the following amendments to the application :-

- Front door to be fitted with self-closing units. Doors and windows to be kept closed, except for access and egress after 2000hrs when the premise is open to the public.
- Customers will not be permitted to take opened drinking vessels off the premises.
- Smokers will be asked to move away from the premise/ nearby residential properties to smoke.
- A notice will be prominently placed at the exit requesting customers to leave quietly. Staff will also remind patrons at the end of the evening to leave quietly and be respectful to neighbours to prevent local residents being unduly disturbed by patron noise.

The Environmental Health Team did not make a representation as a result of this being amended and implemented as Premises Licence conditions.

#### 3.4 Representations Received

- Ms Josephine Cetti

3.5 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Disturbance caused by customers and music in Premises	Prevention of Public Nuisance	Yes	

3.6 The relevant representations objecting to the application are attached as **Appendix 5**.

### 4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, and all persons who have made relevant representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made relevant representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

## **5. Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

## **6. Right of Appeal**

6.1 It should be noted that the Applicant and those persons who have made relevant representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Date of report: 30<sup>th</sup> November 2017

### **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

### **Appendices**

- 1. Deregulations – April 2015**
- 2. New Premises Application Form**
- 3. Plans of Premises Licensable area**
- 4. Location plan of the premises**
- 5. Relevant Representation**